

REMARKS

Claim Rejections

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al. (US Pub. No. 2004/0257792 A1). Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al. in view of Nakamura (US 6,652,109).

Verified English Translation

Pursuant to 37 C.F.R. § 1.55(a)(4)(i)(B), a verified English translation of Taiwan 092102690 filed February 10, 2003 is being submitted herewith to overcome the date of a reference relied upon by the Examiner. Acknowledgment of the receipt of this document is respectfully requested.

Claims

Applicant respectfully traverses the rejection of claims 1 and 2 under 35 U.S.C. 103(a) as being unpatentable over Yu et al. (US Pub. No. 2004/0257792 A1) and the rejection of claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Yu et al. in view of Nakamura (US 6,652,109).

Yu et al. is not prior art under 35 U.S.C. 102(a), because Yu et al. was not published until December 23, 2004, which is after the effective filing date of February 10, 2003 (filing date of Taiwan Application 092102690), as well as the US filing date of February 9, 2004 for the present application. Yu et al. does not qualify as prior art under 35 U.S.C. 102(e) because even though the inventive entities are different, Yu et al. was not filed in the United States until September 4, 2003, which is after the priority date of February 10, 2003 for the present application. The above referenced verified English translation of Taiwan 092102690 filed February 10, 2003 is provided as support for the aforementioned argument.

However, should the Examiner determine that Yu et al. is prior art under 35 U.S.C. 102(e), Applicant respectfully traverses the rejection under 35 U.S.C. 103(a). Applicant submits that Yu et al. is not prior art because of being disqualified under 35 U.S.C. 103(c). Pursuant to 35 U.S.C. 103(c), references

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that are only prior art under 35 U.S.C. 102(e), (f), or (g) and applied in a rejection under 35 U.S.C. 103(a) are subject to being disqualified if the reference and the application were commonly owned, or subject to an obligation of common assignment, at the time the invention was made. Both Yu et al. and the present application are assigned to Au Optronics Corp. by assignments filed when the respective Applications were filed. A copy of the Notice of Recordation for the assignment in the present application and a copy of the Patent Assignment Abstract of Title for the cited reference to Yu et al are attached hereto. Therefore, Yu et al. is disqualified as prior art under 35 U.S.C. 103(c) as applied to the present application.

The outstanding rejection of claims 1 and 2 under 35 U.S.C. 103(a) as being unpatentable over Yu et al. (US 2004/0257792 A1) and the rejection of claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Yu et al. in view of Nakamura (US 6,652,109) are respectfully traversed.

Summary

In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: April 20, 2006

By:


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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: NONE

Issue Dt:

Application #: 10656777 **Filing Dt:** 09/04/2003

Publication #: US20040257792 **Pub Dt:** 12/23/2004

Inventors: Chuan-Pei Yu, Chien-Hung Kuo, Han-Chou Liu

Title: BACKLIGHT MODULE

Assignment: 1

Reel/Frame: 014795/0195

Recorded: 09/04/2003

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 08/05/2003

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RECORDATION DATE: 02/09/2004

REEL/FRAME: 015688/0679
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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DOC DATE: 02/09/2004

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SERIAL NUMBER: 10773331
PATENT NUMBER:
TITLE: BACK LIGHT MODULE

FILING DATE: 02/09/2004
ISSUE DATE:

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